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December 9, 2009

Jeff S. Jordan, Esq.
Supervisory Attorney
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

Re: MUR 6220

Dear Mr. Jordan:

I am writing this letter on behalf of Obama Victory Fund (the "Committee") and Andrew Tobias, as treasurer, (collectively referred to as the "Respondents") in response to the Complaint filed in the above-referenced matter by Paul Kromberg (the "Complainant"). For the reasons set forth below, the Complaint is without merit and should be dismissed.

The Complaint alleges that Respondents have violated the Federal Election Campaign Act (the "Act") by knowingly soliciting excessive contributions from individuals. They have not. Respondents have acted in full compliance with the Commission's requirements at all times.

The Committee was a joint fundraising committee authorized by Obama for America and the Democratic National Committee ("DNC") to raise money for both committees during the 2008 election cycle.¹ In general, contributions made to the Committee were allocated first to Obama for America and then to the DNC. However, contributors were informed that the allocation formula may change if a contributor made a contribution which would exceed that amount that contributor may give to either participant. Pursuant to 11 C.F.R. § 102.17, the Committee included a joint fundraising notice with every solicitation for contributions. In addition, all public communications made by the Committee included a disclaimer, which identified the Committee as a "joint fundraising committee authorized by Obama for America and the Democratic National Committee."

¹ The Committee filed its termination report with the Commission on November 13, 2009.

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The Complaint cites a specific solicitation where individuals who contributed \$20,000 to the Committee would receive an artist portfolio of 13 prints. Contrary to what is alleged in the Complaint, the \$20,000 solicitation was well within the contribution limits applicable to the Committee. During the 2008 election cycle, the DNC could accept from an individual \$28,500 per calendar year; and an authorized candidate's committee could accept from an individual \$2,300 per election. See 2 U.S.C. § 441a(a)(1); 11 C.F.R. § 110.1.

Furthermore, although not referred to in the Complaint, the Committee's standard contribution form was attached to the solicitation in question. See Exhibit A; see also http://www.joniweyl.com/DNClist_rev.1.09.pdf. Consistent with the Act and the Commission's regulations, the contribution form included the Committee's joint fundraising notice as well as a disclaimer identifying the Committee as a joint fundraising committee authorized by Obama for America and the DNC.

The Commission may find "reason to believe" only if a complaint sets forth sufficient specific facts, which, if proven true, would constitute a violation of the Act. See 11 C.F.R. § 111.4(a), (d). Here, quite simply, the alleged facts do not constitute a violation of the Act. The Complaint falsely assumes that the Committee could not solicit contributions from individuals in excess of \$2,400. Yet the regulations plainly allow the Committee – as a joint fundraising committee – to solicit contributions from individuals equal to the maximum allowable to Obama for America and the DNC. The only solicitation referred to in the Complaint solicited an amount well below the maximum allowable to the DNC. And the solicitation itself complied in every respect with the Commission's requirements for joint fundraising committees.

Because the Complaint presents no specific facts that would constitute a violation of law, Respondents respectfully request that the Commission immediately dismiss the Complaint and take no further action.

Very truly yours,



Rebecca H. Gordon
Counsel to Respondents

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EXHIBIT A

The first \$2,300 of each contribution from an individual will be allocated to Obama for America and will be considered designated for the general election. The next \$28,500 of each contribution from an individual will be allocated to the Democratic National Committee. Any contributor may designate his or her contribution for a particular participant. (Participants are Obama for America and the DNC). The allocation formula above may change if any contributor makes a contribution that, when allocated, would exceed the amount that the contributor may lawfully give to either participant.

Please make checks payable to:
OBAMA VICTORY FUND

Attn: Julie Walden
1800 Century Park East, Ste. #210
Los Angeles, CA 90067

Total Amount: \$ _____

Federal law requires us to use our best efforts to collect and report the name, mailing address, occupation and employer of individuals whose contributions exceed \$300 in an election cycle.

First & Last Name: _____

Address: _____

City/State/Zip: _____

If foreign address provide US passport number: _____

Employer: _____ Occupation: _____

Work Phone: _____ Work Fax: _____

Home Phone: _____ Email: _____

☐ I certify that I am a U.S. citizen or legal permanent resident of the U.S.

Signature: _____

Contributions by Personal Check:

Please make checks payable to "Obama Victory Fund" and mail to the address listed above.

Contributions by Credit Card:

Please bill my personal credit card: ☐ Visa ☐ MasterCard ☐ AMEX ☐ Discover

Card Number: _____ Exp: _____

Name as it appears on the card: _____

Signature: _____

Second Name on Account, if joint account: _____

*Contributions will be evenly attributed between names.

2nd Name Employer: _____ 2nd Name Occupation: _____

Second Signature for joint account: _____

OVF Staff Name: _____ OVF Staff Signature: _____

Obama Victory Fund does not accept contributions from currently registered federal lobbyists, registered foreign agents, political action committees, or minors under the age of 18. Federal law prohibits the acceptance of corporate contributions.
Contributions and gifts to the Obama Victory Fund are not deductible for federal income tax purposes.

Paid for by Obama Victory Fund, a joint fundraising committee authorized by Obama for America and the Democratic National Committee.

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